

APPENDIX

NOI ISSUES AND QUESTIONS

1.
 - a. Is there a need for the Commission to implement an expedited process for complaints filed under Section 19-120 of the Public Utilities Act [220 ILCS 5/19-120] in which the complainant seeks a cease and desist order? Please provide specific examples of Section 19-120 docketed proceedings before the Commission in which the lack of an expedited process resulted in denial of the relief sought by the complainant.
 - b. Should an “expedited” cease and desist process include an opportunity for “emergency” relief such as that which is available under Sections 13-514 and 13-515 of the Public Utilities Act when a competitive telecommunications carrier alleges that the anticompetitive actions of an incumbent carrier will cause irreparable harm to the complainant?
 - c. Would the availability of an expedited or emergency cease and desist process under Article 19 be intended to prevent harm to competition in a manner similar to that provided in Section 13-515 of the Public Utilities Act? If so, please explain how a complaint *against* a competitive gas supplier is comparable to a complaint that is filed *by* a competitive telecommunications carrier against a noncompetitive carrier.
 - d. What other purposes would be served by an expedited or emergency cease and desist process? For what other types of inappropriate activities could emergency cease and desist relief be requested? Is fraudulent marketing one such activity? Are there others? Should simply including the words “cease and desist” in a complaint be sufficient to initiate the emergency relief process and any deadlines associated with it?
 - e. If an expedited or emergency process were implemented, what standards would be applicable for granting emergency relief? Would a showing of irreparable harm and likelihood of success on the merits be required? Should anyone other than the entity being harmed be permitted to seek emergency relief?
 - f. Does the Commission have the statutory authority to require the posting of a bond by the person requesting the emergency relief? If the Commission has the authority, what factors would the Commission consider in setting the amount of the bond?
2. In the absence of specific statutory authority mandating expedited proceedings, is there a statutory basis for expedited proceedings under Section 19-120 of the Public Utilities Act? Please provide specific citations to any relevant Sections of the Public Utilities Act and the Illinois Administrative Procedure Act.

3.
 - a. Will expedited proceedings afford all parties to a complaint proceeding sufficient due process?
 - b. If an expedited or emergency process is implemented, what procedural steps would be appropriate to ensure that parties have a reasonable opportunity to participate and that an informed decision, based on evidence of record, can be reached? For example, should a reasonable opportunity for discovery be provided? Are some procedural steps required by statute or rule?
 - c. Would the expedited or emergency cease and desist relief be granted in an interim order? If so, is there a statutory basis for doing so?
4. If an expedited proceeding is necessary, identify any current Commission rules that would need to be amended to provide for such a proceeding.